

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

Writ Petition No. 265 (SS) of 2007

Sri Shankar Singh Rawat,
S/o Late Sri D.S. Rawat,
R/o Vikas Marg, Pauri,
District – Pauri Garhwal
(Uttarakhand)

.....**Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Department of Education Government of Uttarakhand, Dehradun.
2. The Director, Secondary Education, Government of Uttarakhand, Mayur Vihar, Sahastra Dhara Road, Dehradun.
3. The Secretary (Finance), Government of Uttarakhand, Secretariat, Subhash Marg, Dehradun.
4. Sri Kuldip Singh Bisht, District Institute of Education and Training, Centre , Chandigaon, Pauri.

.....**Respondents**

Hon'ble M.M. Ghildiyal, J

Heard Sri D. K. Nayal, learned counsel for the petitioner and Sri N. P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents no. 1 to 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:

- a. Issue a writ order or direction in the nature of Mandamus directing the respondents no. 1 and 2 to consider the claim of the petitioner for the post of Accountant.*
- b. issue a suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

The stand of the petitioner is that he was appointed as Clerk in Education Department in the year 1987 and at present working as Senior Clerk in Government Inter College, Pauri.

The submission of the petitioner is that he may be appointed as Accountant in the Department, as he is M.Com. and is also looking after the Accounts work in the Government Inter College, Pauri. He has further submitted that Minister as well as Department has also recommended his name for being appointed as Accountant in the Education Department.

Petitioner has made representation, which has been duly recommended by the Education Department and the same is still pending in the Finance Department.

Petitioner has not stated whether he has applied in pursuance to any advertisement made by the respondents to fill up the post of Accountant and whether the procedure which is prescribed under the Rules has been adopted by the Department to fill up the post of Accountant in the Education Department.

This Court cannot direct the respondents to make appointment of the petitioner on the post of Accountant without following the procedure adopted under law.

During the course of argument, leaned counsel for the petitioner has confined his prayer that he may be permitted to make representation before respondent no. 2 for redressal of his grievances and respondent no. 2 be directed to take decision on the representation of the petitioner at the earliest.

The prayer is innocuous. Consequently, I direct the petitioner to make representation for redressal of his grievance before respondent no. 2 within a month from today and it is

expected from respondent no. 2 that he/she shall take decision on the representation of the petitioner, if moved by the petitioner within a time prescribed by this court, at the earliest preferably within a period of three months from the date of receipt of certified copy of this order along with representation.

With the direction, writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 28, 2007

SKSharma